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ATTORNEYS AT LAW

DIRECT DIAL: 870-7664

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FAX COVER SHEETDate: September 16, 2004We are transmitting 8 pages to you, including this page.

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DELIVER TO:	<u>Xiao Wu - Art Unit 2674</u>
FAX NUMBER:	<u>703-872-9306</u>
DEPARTMENT:	<u>U. S. Patent and Trademark Office</u>
RE:	<u>Application No. 09/944,491</u>

FROM:	<u>Jon L. Woodard</u>
CLIENT/MATTER NO:	<u>19402.0005</u>

COMMENTS: **PLEASE FAX CONFIRMATION OF
RECEIPT OF THIS RESPONSE TO
OFFICE ACTION.**

STATEMENT OF CONFIDENTIALITY

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100 State Street, Suite 700
Erie, PA 16507-1459Phone Number: 814-870-7600
Fax Number: 814-454-4647

Practitioner's Docket No. 19402.0005 **PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Pamela M. Baughman

Application No.: 09/944,491

Group No: 2674

Filed: August 27, 2001

Examiner: Xiao Wu

For: Wearable Ergonomic Computer Mouse

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Honorable Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is
- ☒ a small entity. A statement:
- ☐ is attached.
- ☐ was already filed.
- ☐ other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION 37 C.F.R. §1.8(a))**MAILING**

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, Box 1450 Alexandria, VA 22313-1450

FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office.

Date September 16, 2004

Patty Eckman
Signature

Patty Eckman
(type or print name of person certifying)

(Amendment Transmittal [9-19]-page 1 of 4)

EXTENSION OF TERM

NOTE: Extension of Time in Patent Cases (Supplement Amendments) - if a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136.
(fees: 37 C.F.R. § 1.17 (a)(1)-(4) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00
<input type="checkbox"/> five months	\$ 2,010.00	\$ 1,005.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal [9-19]-page 2 of 4)

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

<u>(Col.1)</u>		<u>(Col.2)</u>	<u>(Col.3)</u>	<u>SMALL ENTITY</u>		<u>OTHER THAN A SMALL ENTITY</u>		
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE
TOTAL 21	MINUS	21	= 0	\$9	\$		x\$ =	\$ 0
INDEP. 4	MINUS	4	= 0	\$43	\$		x\$ =	\$ 0
□ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					\$		\$290	
					TOTAL ADDIT.FEE \$	OR	TOTAL ADDIT. FEE	\$ 0

- * If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required \$_____.

FEE PAYMENT

5. ☐ Attached is a check in the sum of \$_____.
☐ Charge Account No. _____ the sum of \$_____.
 A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: *If there is a deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☐ If any additional extension and/or fee is required, charge Account No. _____.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 13-0760.

Reg. No.: 45,515

Tel. No.: (814) 870-7664


SIGNATURE OF PRACTITIONER

Jon L. Woodard, Esq.
(type or print name of practitioner)

100 State Street, Suite 700
P. O. Address

Erle, PA 16507-1498

(Amendment Transmittal [9-19]-page 4 of 4)

Appln. No 09/944,491
Amendment dated September 16, 2004
Reply to Office Action dated September 8, 2004

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IN THE U.S. PATENT AND TRADEMARK OFFICE

Appl. No: 09/944,491
Applicant: Pamela M. Baughman
Filed: August 27, 2001
Title: Wearable Ergonomic Computer Mouse

TC/A.U.: 2674
Examiner: Xiao Wu

Docket No: 19402.0005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to Office Action dated September 8, 2004, please refer to Amendments to Abstract section on page 2 of this paper.

Remarks begin on page 3 of this paper.

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